

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH BALL,)	
)	
Petitioner,)	
)	Case No. 1:09-cv-220-SJM-SPB
v.)	
)	
FRANCISCO J. QUINTANA, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on August 26, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 13, 2011 [15], recommends that the petition for writ of habeas corpus be denied and that a certificate of appealability also be denied. The parties were allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Forest, where he is incarcerated, and on Respondents. Petitioner's objections [19] were filed on September 16, 2011. On October 14, 2011, Petitioner filed an addendum [21] to his objections and, on October 19, the Attorney General for the Commonwealth of Pennsylvania responded [22]. After de novo review of the petition and documents in the case, together with the Report and Recommendation, Petitioner's

objections and addendum and the Attorney General's response thereto, the following order is entered:

AND NOW, this 19th Day of October, 2011;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is DENIED. Inasmuch as jurists of reason would not find it debatable whether Petitioner has failed to make a substantial showing of the denial of a constitutional right and/or whether his claims are procedurally defaulted, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter dated July 13, 2011 [15] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

Cm: All parties of record.

U.S. Magistrate Judge Susan Paradise Baxter